

REMARKS

The Examiner states that the response to Restriction Requirement under 37 C.F.R. § 1.142 that was filed on July 26, 2006 is not fully responsive to the prior Office Action, mailed on June 26, 2006, because an election of claim 5 does not satisfy the requirement for an election of species. In order to be fully compliant with the election of species, the specific position(s) and corresponding substitution(s) of the amino acid(s) of the phosphoprotein must be elected. Claim 5 reads on at least one substituted amino acid residue at a position selected from the group consisting of position 172, position 174, position 175, and position 176. Applicants hereby elect position 176 of claim 5 in order to comply with the requirement for an election of species.

The Examiner states that Applicants failed to make an election of a specific recombinant RSV from claim 45 in the response to Restriction Requirement that was filed on July 26, 2006. Claim 45 reads on human RSV of subgroup A, subgroup B, or a chimera thereof. Applicants respectfully point out that the Office Action mailed on June 26, 2006, only required that Applicants elect one of the various mutations recited in claims 2-5, 13, and 22-45 and did not mention election of a specific recombinant RSV. However, in order to be fully compliant with this new species election requirement, Applicants hereby elect human RSV subgroup A of claim 45.

In a telephone conversation on October 25, 2006, Examiner Blumel indicated that an election of an amino acid substitution at either position 172, 174, 175 or 176 of claim 5 and an election of human RSV subgroup A, subgroup B or a chimera thereof of claim 45 would fully satisfy the restriction requirement and that no further restriction would be required. Thus, Applicants' present submission is fully responsive to the outstanding Office Communication.

Applicants respectfully submit that upon allowance of a generic claim, Applicants will be entitled to the examination of additional species. *M.P.E.P. 806.04(d)*.

Entry of the remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

by Jacqueline Benn
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